



Legislation Text

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TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: January 19, 2021

RESOLUTION NO. 28-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.12(D)(1) AND 4.4.9(D)(10) OF THE LAND DEVELOPMENT REGULATIONS; TO ALLOW A FREE-STANDING MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT FOR THE PROJECT KNOWN AS "THE LINTON" LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 29-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.12(G)(7) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A DENSITY BONUS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS "THE LINTON" LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 30-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.3.4(J)(4)(b) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A MAXIMUM BUILDING HEIGHT OF 60 FEET FOR THE PROJECT KNOWN AS "THE LINTON" LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSE. (QUASI-JUDICIAL HEARING)

Recommended Action:

Review and consider Resolution No. 28-21, granting a conditional use to allow a free-standing multiple family residential development, pursuant to LDR Sections 4.4.12(D)(1) and 4.4.9(D)(10), for the project know as "The Linton" located at 510 West Linton Boulevard.

Review and consider Resolution No. 29-21, granting a conditional use to allow a density bonus in exchange for workforce housing, pursuant to LDR Sections 4.4.12(G)(7), for the project know as "The Linton" located at 510 West Linton Boulevard.

Review and consider Resolution No. 30-21, granting a conditional use to allow a maximum building height of 60 feet, pursuant to LDR Sections 4.3.4(J)(4)(b), for the project know as "The Linton" located at 510 West Linton Boulevard.

Background:

The subject site located at 510 West Linton Boulevard (“Property”), south of West Linton Boulevard between Lavers Avenue and SW 4th Avenue, has General Commercial (GC) land use and Planned Commercial (PC) zoning. GC land use allows a maximum floor area ratio (FAR) of 3.0, and a standard residential density of 12 dwelling units per acre, with a maximum of 30 dwelling units per acre allowed in areas eligible for a revitalization incentive. PC zoning allows all permitted, accessory, and conditional uses allowed in the General Commercial zoning district; therefore, free-standing multiple family residential development is allowed as a conditional use in the PC zoning district.

The Property is part of the existing Linton Commons development, which is comprised of three (3) parcels. The Parcels totaling 9.163 acres (399,165 square feet) are currently developed as a shopping center, consisting of a 78,399 square-foot general commercial three-bay anchor building (Parcel A), a 7,420 square-foot general commercial multi-bay building outparcel (Parcel B, 520 West Linton Boulevard), and a 3,339.70 square-foot bank outparcel (Parcel C, 500 West Linton Boulevard). The proposed project is limited to Parcel A (510 West Linton Boulevard) but is reliant upon the inclusion of Parcels B and C to comply with certain Land Development Regulations (LDR) requirements, including density.

A Class V Site Plan has been submitted that maintains the existing commercial outparcels along Linton Boulevard and replaces the existing shopping center on Parcel A with a free-standing multi-family building. The proposed project requires three conditional use considerations: (1) the free-standing multiple family building, (2) the density increase from 12 du/ac to 30 du/ac; and (3) the increased building height from 48 feet to 60 feet. Each request is analyzed below.

Conditional Use Findings LDR Section 2.4.5 (E)(5)

In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;*
- b) Hinder development or redevelopment of nearby properties.*

The applicant states, in response to the required findings, that “the proposed conditional uses shall not have a detrimental effect on the stability of the neighborhood, but rather shall improve it. They will also encourage the redevelopment of nearby properties primarily because they not only result in reduced traffic impact from the existing use, but also improve the harmony and aesthetics of the area, and more importantly further the Goals, Objectives and Policies of the 2020 Comprehensive Plan.”

Conditional Use for Free-Standing Multiple Family Residential Development

The Project is proposed on a heavily trafficked arterial which is largely developed with commercial uses. The design of many of the retail centers in the area are outdated and likely to be redeveloped in the coming future. Immediately south of the Project is an existing low-rise multiple family residential development. It is important to note the LDRs allow residential uses when located within a vertically mixed building - this project proposes mixed-use across the site with commercial uses along Linton Boulevard and the residential uses located behind them, north of Lavers Circle transitioning in use to the residential neighborhood. While the Project is proposed at a higher density than the existing development located to the south, the location on Linton Boulevard is appropriate to support a Project on this scale. The average daily traffic trips and solid waste generated from the

proposed residential use indicate a significant decline in comparison to the existing commercial shopping center development. This decline supports the benefits of mixed-use development and the inherent trip-capture that occurs. As such, the stability of the neighborhood in which the Project will be located will improve based on traffic, and solid waste generation, as well as the architectural design proposed for the project. The site design demonstrates purposeful, shaded pedestrian and bicycle connections to the surrounding commercial uses, which will help foster the desired alternative mobility options.

Redeveloping an outdated retail shopping center with an aesthetically pleasing free-standing multiple family development is likely to encourage development and/ or redevelopment of other older properties along the Linton Boulevard corridor. It will also likely spur more mixed use proposals in the older shopping centers.

Conditional Use for an Increase of the Maximum Density allowed, from 12 du/ac to 30 du/ac

The Project is proposing a minimum of 20% of the total units proposed at 30 du/ac. be provided as workforce housing units that are equally distributed to be affordable to very low, or low, or moderate-income families. The result will be an 80% market rate rental building, with the other 20% providing housing options for those in the 60%-120% Area Median Income (AMI) ranges.

The City's Comprehensive Plan has several policies that provide for incentives for projects that include workforce housing. The Comprehensive Plan states that "the ultimate goal is to provide housing in Delray Beach through complete, stable and attractive neighborhoods that contain quality, affordable, and accessible housing choices that serve all income levels and age groups and that preserve and reinforce livability, character and the special sense of place of Delray Beach." Should the Project be approved, a new free-standing multiple family development would be introduced into the City with a minimum of 20% of the total units proposed available to families that may otherwise not have been able to afford to live in Delray Beach in addition to the balance of units that will be available at market rate.

Additionally, as discussed above, at the proposed density of 30 du/acre a significant decline in generated daily traffic trips and solid waste production is expected, in comparison to those generated by existing retail shopping center development. As such, the increase in density would not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located but would rather improve elements that have a daily impact on the Property and surrounding area. By providing diverse income levels and unit sizes, the project will offer options that would be affordable to the surrounding workforce.

Additionally, as a workforce housing project, the site plan will be subject to the Performance Standards listed in LDR Section 4.4.6(l). The intent of the Performance Standards is to mitigate the impacts of the additional density both internal and external to the site. In regard to the Performance Standards, the Project, as shown, provides for parking, open space and a proposed promenade to alleviate congestion issues from the commercial buildings on the site. The access drives off SW 4th Avenue and Lavers Circle are proposed to shift to the south, which improves both circulation and accessibility. The design of the building gives the illusion that there are two 5-story buildings with a 2-story building in between, thereby alleviating the overall massing of the structure. Additionally, the building amenities are proposed on the top of the third story thereby allowing for a staggered building design that steps down to the south. Finally, the tree canopy is increased from 18% (existing) to 36% (proposed).

The Project will likely encourage development and/ or redevelopment of other similar older properties

along the Linton Boulevard corridor.

Conditional Use for an Increase of the Maximum Allowable Height, from 48 to 60 feet

The proposed overall height of 60 feet (measured to architectural roof elements) and building height of 52' -6" (measured to flat roof) for the Project is five stories. While the 5-story Project could be built within the 48-foot maximum height limit of the PC zoning district, the Applicant states the additional height requested will provide for a superior residential product with higher ceilings (10' ceilings on the ground floor, 9' ceilings on floors 2-5), plus architectural design elements above the flat roof to create a more attractive design..

The main consideration is the potential effect of additional height upon the neighborhood to the South. To the south, low rise, multi-family buildings are located on the south side of Lavers Circle. The adjacent multi-family buildings are three story garden style apartments that face the lake, with surface parking located along the road. Currently, the north side of Lavers Circle is lined by the back of commercial buildings. The project proposes new residential units facing Lavers Circle, including a linear green space, which is being retained and also helps serve as a buffer to the existing apartments on the other side of the road. The scale of the building drops to three-stories in height along Laver's Circle to provide a transition in scale from five stories to the lower scale neighborhood. The project also has a new 5' high aluminum fence along the south and western property lines. Given the architectural massing and design, the scale of the Project will not mammoth the surrounding properties and is needed to provide a better quality of housing project (with greater ceiling height) and to allow for a more aesthetically appealing design (with architectural enhancements).

The Project will not hinder the development or redevelopment of nearby properties, but rather allow for a better development than what currently exists which will encourage nearby properties to develop and/ or redevelop other similar older properties in need of improvement along the Linton Boulevard corridor.

Increase to Height Regulations pursuant to Section 4.3.4(J):

The LDRs require the finding of compliance with each of enumerated criteria listed below, as applicable.

(i) That the structure is to be located in one of the following geographic areas [list of areas increased height allowed].

The Project is located within the Linton Commons Overlay District, within "Area G" of the geographic areas listed in LDR Section 4.3.4(J)(4)(b)(i).

(ii) That the increase in height will not provide for, nor accommodate, an increase in the floor area (within the structure) beyond that which could be accommodated by development which adheres to a height limitation of 48 feet, except an increase in height is allowed when the increase from 48 feet to 60 feet is for the purpose of accommodating residential use on the top floor of the structure; however, the increase in height is only for the added residential use area.

The Applicant states the additional height is necessary to provide a superior project, with taller ceilings than what would be possible with 48 feet. Though the architectural features extend to 60 feet, building height is measured to the flat roof, which is 52'-5". All stories of the proposed building will be residential.

(iii) Workforce housing units, equal to at least 20 percent of the residential units on the top floor, shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). The workforce housing units shall be at the low or

moderate income levels and shall comply with other applicable provisions of Article 4.7.

A minimum of 20% of the total bonus units proposed on the top floor of the Project will be required to be workforce housing. The other conditional use request related to the density increase requires more workforce units than this standard. As such, the additional workforce units will be dispersed throughout the Project at the discretion of the Applicant.

(iv) That the increase in height shall be allowed if two or more of subsections 4.3.4(J)(iv)(1), (2) or (3) are met:

(1) That for each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48-foot tall structure. The additional setback is required from all setback lines (i.e., front, side, and rear) for the portion of the building that extends above 48 feet;

(2) That a minimum of 50 percent of the ground floor building frontage consist of nonresidential uses (excluding parking);

(3) That open areas, such as courtyards, plazas, and landscaped setbacks, be provided in order to add interest and provide relief from the building mass.

The Project meets subsections (1) and (3). The Class V Site Plan depicts the required 2' setback for each foot in height above 48' as required by Subsection 1. Subsection 3 requires that open areas such as courtyards, plazas, and landscaped setbacks, be provided in order to add interest and provide relief from the building mass. The Project has an oversized linear green space lining all sides of the structure and a paved multi-modal promenade to the north. The width of the linear green spaces ranges from 25' to 65' at its widest feet and includes a 5' wide sidewalk, a Tot Lot, and a dog park. The total square footage of this linear green space is 45,000 square feet. The tree species and lay-out was designed to provide shade and to encourage the residents to walk or bike to the surrounding areas. The pedestrian passageways and sidewalks are lined with canopy trees to provide adequate shading as well as natural wayfinding to enhance non-vehicular connectivity.

The additional 4.5' of building height and 7.5' of architectural design elements will not have a significantly detrimental effect upon the surrounding area as the project steps down in height to the south along Lavers Circle to provide a compatible transition to the neighborhood, provides open space and massing shifts, and meets the additional use, workforce housing, and setback requirements for additional building height.

Required Findings LDR Section 3.1.1

a) Land Use Map (LUM): *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The Property has a LUM designation of GC, and a zoning designation of PC, which are compatible with each other. Pursuant to LDR Section 4.4.12(D)(1), any conditional use allowed within the GC zoning district is allowed in the PC district. Pursuant to LDR Section 4.4.9(D)(10), multiple family residential developments are allowed with conditional use approval in the GC district.

Pursuant to Section 4.4.12(G)(7), multi-family residential, assisted living facilities and mixed-use development with residential densities up to 30 units per acre are allowed as a conditional use, provided at least 20 percent of the units are workforce units that comply with the provisions of Article

4.7, "Family/Workforce Housing" in the Linton Commons Overlay District.

Pursuant to Section 4.3.4(J)(4)(b) an increase, to a maximum height of 60 feet, may be approved by the City Commission for projects located within the Linton Commons Overlay District with conditional use approval.

b) Concurrency: *as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Traffic. The Applicant has received a Traffic Performance Standards (TPS) approval letter from Palm Beach County to replace 78,399 Square Feet of General Commercial use with 278 Multi-Family Residential Dwelling Units. The proposed Project will generate 1,765 less daily trips than the existing development. New Net Daily trips, 47 (-11/58) New Net AM Peak Hour trips, and -177 (-66/-111) New Net PM Peak Hour Trips.

Schools. The Applicant has received a School Capacity Availability Determination (SCAD) from the Palm Beach County School District (see attached SCAD form) which determined that the Project will generate four students at the elementary level, two students at the middle school level, and two students at the high school level. Based on the findings and evaluation of the proposed development, there will be negative impact on the public-school system. Therefore, if the proposed development is approved, School District staff recommends the following condition to mitigate such impact:

In order to address the school capacity deficiency generated by this proposed development at the High School level, the School District has recommended that the Applicant contribute a total of \$27,242 to the School District of Palm Beach County prior to the issuance of first building permit.

This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).

Water. The City's Water Atlas and the survey indicate water is provided to the site by an 8-inch D.I.P water main located within the SW 4th Avenue right-of-way.

Sewer. The City's Sewer Atlas indicates that sewer service provided to the site by an 8-inch PVC water main located within the boundaries of the New Century Commons plat.

Solid Waste. 274 units x 0.52 tons = 142.28 tons/ 284,960 lbs. per year.

The proposed development will generate 145.6 tons of solid waste per year. The existing development generates 572,312.7 tons of solid waste per year (78,399 square feet x 7.3 tons/ 1,144,625,400 lbs. per year) meaning the proposed development would result in a decrease of solid waste by 572,170.42 tons/ 1,144,340,840 lbs.) per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

Drainage. The applicant has provided 66.6% impervious surfaces on the site. The site plan is currently under review, and the review process will ensure sufficiency of site drainage.

c) Consistency: *A finding of overall consistency may be made even though the action will be in*

conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

Housing Element

Policy HOU 5.1.1: Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.

Policy HOU 6.1.1: Provide opportunities for income diversity by allowing a mix of housing types and ownership options.

Objective HOU 6.1.4: Implement incentives in the Land Development Regulations, such as increases in density, to establish workforce housing units within targeted areas.

Policy HOU 6.2.8: Protect the affordability of units at risk of losing subsidies or being converted to market rate housing and retain workforce housing options in existing neighborhoods that will allow long-term residents to age in place.

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.3.3: Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.

Policy NDC 1.3.9: Allow a maximum floor area ratio of 3.0 and a maximum standard density of 12 dwelling units per acre with a revitalization/incentive density of 12-30 dwelling units per acre in the General Commercial land use designation to accommodate general commercial uses such as retail, office, commercial services, and mixed use developments with limited residential development opportunities.

Policy NDC 1.3.10: Use the General Commercial land use designation to accommodate a wide range of non-residential and mixed-use development, and limited stand-alone residential development, along major corridors and in certain districts in the city

Policy NDC 2.3.9: Continue to offer incentives to encourage strip commercial development to redevelop into mixed-use, high quality, multi-modal environments.

Objective NDC 2.8: Innovative Housing Strategies - Use innovative housing planning practices to provide a wide range of housing types at price points that serve the city's diverse population.

Policy NDC 2.8.3: Continue to utilize workforce housing programs and incentives, such as but not limited to, increased density and smaller lot sizes where appropriate and compatible in the Land Development Code to encourage the provision of workforce housing in the city.

Policy NDC 2.8.4: To protect the long term viability of workforce housing, include provisions in the Land Development Regulations that establish a long-term period of affordability of at least 40 years, income qualifications, maximum unit cost or rent; reassess the provisions of the Land Development Regulations within one year of the completion of new housing assessment studies.

Policy NDC 2.8.5: Promote the development of workforce housing units by offering incentives, such as, increased density, in specific areas identified in the Land Development Regulations.

The Property has a General Commercial land use designation and is located within the Linton

Commons Overlay, which is one of the City's Workforce Housing Areas. The project proposes a density of 30 du/ac and a Floor Area Ratio of 1.38, thereby complying with the proposed density limitations in the LDRs and the existing intensity limitations of the PC zoning district. The Project provides a mix of studio, one, two and three-bedroom floor plans, with a minimum of 20% of the total proposed units provided as workforce housing units, equally distributed among the very low, low and moderate income levels. The workforce housing units provide additional affordable units available in the City where they were not previously proposed and allow for a mix of income diversity, as well as housing types. The Property owner will be required to execute a restrictive covenant ensuring that the workforce housing units will be retained for at least 40 years. The mix of floor plans and the addition of the workforce housing units increases the range of residential uses within the City. The project provides a transition between commercial uses along Linton Boulevard and the low rise neighborhood to the south.

d) Compliance with the LDRs: If the Conditional Use requests are approved, site plan approval complying with LDR Sections 2.4.3 and 4.4.6 will be required. Staff has concluded the proposed Class V Site Plan is in compliance with the associated LDR requirements that are required in conjuncture with the Conditional Use requests. Any outstanding requirements related to other LDR standards will be finalized through the Technical Advisory Committee (TAC) review and SPRAB review. The proposed Class V Site Plan application was reviewed initially by the City's Technical Advisory Committee on October 30, 2020 and is undergoing revisions to respond to technical comments. If the conditional use requests are approved, any outstanding comments will be resolved and a full review of the project will be conducted by the SPRAB.

On December 14, 2020, the Planning and Zoning Board voted 7 to 0 to recommend approval of all three conditional use requests.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

These resolutions require the adoption of Ordinance No. 01-21 prior to consideration.